



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

JAMES G. JOHNSON,
Plaintiff,

vs.

MAJOR RALPH HUNTER and
LIEUTENANT DAVID WASHINGTON,
in their individual capacities,
Defendants.

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CIVIL ACTION NO. 0:07-0144-HFF-BM

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE
JUDGE, GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND
DISMISSING THE ACTION, WITHOUT PREJUDICE

Plaintiff, who is proceeding *pro se*, filed this case as a civil rights action. The matter is before the Court for review of the Report and Recommendation (Report) from the Magistrate Judge suggesting that Defendants' motion for summary judgment be granted, and that this case be dismissed, without prejudice, for Plaintiff's failure to exhaust his administrative remedies. The Report is made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 4, 2007. Plaintiff failed to file any objections to the Report. In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' motion for summary judgment be **GRANTED**, and that this case be **DISMISSED**, without prejudice, for Plaintiff's failure to exhaust his administrative remedies.

IT IS SO ORDERED.

Signed this 25th day of September, 2007, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.